

REMARKS/ARGUMENTS

Claims 1, 8-25 and 28-37 remain in this application.

Claims 2-7, 26 and 27 have been cancelled.

Claims 33-36 have been allowed.

The examiner has acknowledged that claims 23 and 25 are directed to allowable subject matter.

Claim 1 has been amended to add a left wall cap, and a right wall cap, at least one of said left wall cap and said right wall cap including a top surface, a bottom surface, an inner closed edge, and an outer closed edge, said bottom surface is constructed with a plurality of outwardly extending locking posts which cooperate with integrally formed sockets located at a second longitudinal end of said wall panels, said bottom surface including an inner track groove, said inner track groove located adjacent located adjacent to and extending along said inner closed edge, said top surface including an upper track groove extending along said top surface, said inner track groove and said upper track groove cooperate with said telescoping roof panel permitting said telescoping roof panel to telescope inwardly and outwardly with respect to said fixed roof panel. Support for this can be found at pages 23-26 of the specification and Figs. 1, 2 and 13-15 of the drawings.

In response to the Office Action of **August 11, 2008**, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Objections to the Claims

The Examiner has objected to Claim 33 because of the following informalities:

Claim 33, "floor members having, a top."

Claim 33 has been amended as suggested by the Examiner.

Rejection under 35 USC 103(a)

Claims 1, 8-9, 13, 17, 21, and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (U.S. Patent No. 6,796,087) in view of Silva (U.S. Patent No. 6,145,254).

The Examiner alleges that Greene discloses a panel system with assemblies for a floor, a pair of side walls, a rear wall, a pivoting door that can be assembled on-site, and roof panels with top, bottom, front, back, left, and right closed edges and a plurality of strengthening ribs in the bottom surface.

The Examiner admits that Greene does not expressly disclose that one of the roof panels telescopes.

The Examiner alleges that Silva discloses a telescoping roof panel.

The Examiner then alleges that providing a roof panel of Greene with telescoping ability as taught by Silva allows added space for maneuverability when inserting lengthy tools such as rakes or ladders into the utility shed.

The Examiner then concludes that it would have been obvious to a person of ordinary skill in the art to modify the roof panels of Greene by providing one of the panels with telescoping ability as taught by Silva, in order to aid in the insertion and removal of lengthy tools.

The Examiner alleges regarding claim 8 that Greene further discloses a left and right wall assembly, each with a first, second, and third panel.

The Examiner also alleges regarding claims 9 and 17 that Greene further discloses first and third panels have a first end with attachment means for connecting a floor assembly, a second end with attachment means for connecting a roof assembly, one horizontal edge with perpendicular attachments, and a second horizontal edge with coplanar attachments.

The Examiner alleges regarding claim 13 that Greene further discloses second panels have a first end with attachment means for connecting a floor assembly, a second end with attachment means for connecting a roof assembly, one horizontal edge with coplanar

attachments, and a second horizontal edge with coplanar attachments.

The Examiner alleges regarding claim 21 that Greene discloses a rear wall assembly with two wall panel members.

The Examiner alleges regarding claim 37 that Greene discloses roof panels with strengthening ribs integrally formed in the bottom surface thereof.

Applicants respectfully disagree with the Examiner's determination that the claimed subject matter is obvious.

Claim 1, as currently amended, recites a panel system for construction a low profile enclosure comprising, *inter alia*, a left wall cap, and a right wall cap, at least one of said left wall cap and said right wall cap including a top surface, a bottom surface, an inner closed edge, and an outer closed edge, said bottom surface is constructed with a plurality of outwardly extending locking posts which cooperate with integrally formed sockets located at a second longitudinal end of said wall panels, said bottom surface including an inner track groove, said inner track groove located adjacent to and extending along said inner closed edge, said top surface including an upper track groove extending along said top surface, said inner track groove and said upper track groove cooperate with said telescoping

roof panel permitting said telescoping roof panel to telescope inwardly and outwardly with respect to said fixed roof panel.

It is well established that in order to establish a proper *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not base on applicant's disclosure *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §2143-§2143.03.

Applicants respectfully submit that neither Greene nor Silva disclose, teach or suggest left and right wall caps, one of the left and/or right wall caps including a top surface, a bottom surface, an inner closed edge, and an outer closed edge, the bottom surface is constructed with a plurality of outwardly extending locking posts which cooperate with integrally formed sockets located at a second longitudinal end of the wall panels, the bottom surface includes an inner track groove, said inner track groove located adjacent located adjacent to and extending along said inner

closed edge, the top surface includes an upper track groove extending along said top surface, the inner track groove and the upper track groove cooperate with the telescoping roof panel to permit the telescoping roof panel to telescope inwardly and outwardly with respect to the fixed roof panel.

Accordingly, Greene and Silva cannot be said to teach or suggest all of the claim limitations.

Claims 8, 9, 13, 17, 21 and 37 depend directly or indirectly on claim 1 and therefore are allowable for the same reasons as claim 1 is.

Claims 10-12, 14-16, 18-20, and 28-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (U.S. Patent No. 6,796,087) in view of Silva (U.S. Patent No. 6,145,254) as applied to claims 1, 2, 5-9, 13, 17, and 21 above, and further in view of Paz et al. (U.S. Patent No. 6,250,022).

The Examiner alleges that Greene in view of Silva discloses the claimed invention except for the first and second longitudinal ends using an attachment means consisting of at least one integrally formed socket.

The Examiner then alleges that it is well known in the art to use a socket connection as an attachment means between a longitudinal edge and a roof or floor assembly. He relies on Paz

et al. to teach an extendible shed comprising panels with integrally formed sockets for connecting longitudinal edges to floor or roof assemblies to support this allegation.

While Paz et al. does disclose panels with integrally formed sockets for connecting longitudinal edges to floor and roof assemblies, Paz et al. fails to teach or disclose the limitations of claim 1 that Greene and Silva do not teach or disclose.

Accordingly, Greene, Silva and Paz et al. together cannot be said to expressly teach or suggest all of the claim limitations.

Claims 1, 22, and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Skov et al. (U.S. Patent No. 6,581,337) in view of Silva (U.S. Patent No. 6,145, 254).

The Examiner alleges that Skov et al. discloses a panel system with assemblies for a floor, a pair of side walls, a rear wall, and a pivoting door that can be assembled on-site (Fig. 17).

The Examiner admits that Skov et al. does not disclose a telescoping roof assembly.

The Examiner alleges that Silva discloses a retractable roof panel.

The Examiner then concludes that providing the roof of Skov et al. with telescoping ability as taught by Silva allows added space for maneuverability when inserting lengthy tools such as rakes or ladders into the utility shed. The Examiner also concludes that at the time of the invention, it would have been obvious to a person of ordinary skill in the art to equip the roof of Skov et al. with telescoping ability as taught by Silva, in order to aid in the insertion and removal of lengthy tools.

Claim 1, as currently amended, recites a panel system for construction a low profile enclosure comprising, *inter alia*, a left wall cap, and a right wall cap, at least one of said left wall cap and said right wall cap including a top surface, a bottom surface, an inner closed edge, and an outer closed edge, said bottom surface is constructed with a plurality of outwardly extending locking posts which cooperate with integrally formed sockets located at a second longitudinal end of said wall panels, said bottom surface including an inner track groove, said inner track groove located adjacent located adjacent to and extending along said inner closed edge, said top surface including an upper track groove extending along said top surface, said inner track groove and said upper track groove cooperate with said telescoping roof panel permitting said telescoping roof panel to

telescope inwardly and outwardly with respect to said fixed roof panel.

Applicants respectfully submit that neither Skov et al. nor Silva disclose, teach or suggest left and right wall caps, one of the left and/or right wall caps including a top surface, a bottom surface, an inner closed edge, and an outer closed edge, the bottom surface is constructed with a plurality of outwardly extending locking posts which cooperate with integrally formed sockets located at a second longitudinal end of the wall panels, the bottom surface includes an inner track groove, said inner track groove located adjacent located adjacent to and extending along said inner closed edge, the top surface includes an upper track groove extending along said top surface, the inner track groove and the upper track groove cooperate with the telescoping roof panel to permit the telescoping roof panel to telescope inwardly and outwardly with respect to the fixed roof panel.

The Skov et al. and Silva patents are totally silent with respect to any disclosure of strengthening ribs on the bottom of a roof panel.

Accordingly Skov et al. and Silva cannot be said to expressly teach or disclose all of the claimed limitations.

Claims 22 and 24 depend directly or indirectly on claim 1 and therefore are allowable for the same reasons as claim 1 is.

In light of all of the above remarks, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness and further contend that a person of ordinary skill in the art, having the references Greene, Silva, Paz et al. and Skov et al., in front of him or her would not have the information and motivation necessary to arrive at Applicants' invention.

Accordingly, Applicants respectfully submit that the claimed panel system for constructing a low profile enclosure distinguishes over the prior art and respectfully request that the rejections of claims 1, 8-22, 24, 28-32 and 37 under 35 U.S.C. 103(a) now be withdrawn.

Applicants appreciate the Examiner's indication that claims 23 and 25 contain allowable subject matter.

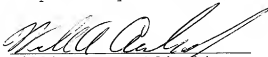
Applicants also appreciate the Examiner's allowance of claims 33-36.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment; the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due or credit any overpayments in any fees paid on the filing to Deposit Account No. 13-0439.

Respectfully submitted,



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